

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KEVIN RAINS,

Plaintiff,

v.

Civil No. 4:06-CV-858-Y

BNSF RAILWAY COMPANY, a Delaware
corporation, d/b/a THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY
COMPANY,

Defendant.

**PLAINTIFF'S MOTION FOR RECONSIDERATION TO ALTER
THE JUDGMENT PURSUANT TO FED. R. CIV. P. 59(e)**

TO: JEFFREY J. WOLF, WOLF+LAW PC, 1360 WHITE CHAPEL BOULEVARD, SUITE
100, SOUTHLAKE, TEXAS 76092.

PLEASE TAKE NOTICE that Plaintiff moves the Court, pursuant to Rule 59(e) of the
Federal Rules of Civil Procedure, for an Order as follows:

- (1) Reconsidering this Court's July 17, 2008 Order Granting Defendant BNSF
Railway Company's Motion for Summary Judgment; and
- (2) Granting Plaintiff Kevin Rains' Motion for Partial Summary Judgment.

This Motion is based upon all records and proceedings as well as the Memorandum of
Law submitted with this Motion.

Dated: July 25, 2008

LOMMEN, ABDO, COLE, KING & STAGEBERG, P.A.

BY s/ Robert J. King, Jr.

Robert J. King, Jr. MN I.D. No. 55906
Jeffrey R. Schmidt MN I.D. No. 96970
2000 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
(612) 339-8131; FAX: (612) 339-8064

HASLAM & GALLAGHER

Robert E. Haslam, I.D. No. 09201900
555 South Summitt Avenue
Fort Worth, TX 76104
817-332-3115; FAX: (817) 332-3148

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I, Robert J. King, attorney for Plaintiff Kevin Rains, hereby certify that on the 25th day of July, 2008, I held a telephone conference with Jeffrey J. Wolf, counsel for Defendant BNSF Railway Company, to discuss the merits of this motion. As Mr. Wolf is opposed, this motion is submitted to the Court for determination.

s/ Robert J. King, Jr.

Robert J. King, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on **July 25, 2008**, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

Robert E. Haslam, Esq.
Haslam & Gallagher
555 South Summit Avenue
Fort Worth, TX 76104
robert@haslamfirm.com

Jeffrey J. Wolf, Attorney
Wolf & Law, PC
1360 North White Chapel Boulevard
Suite 100
Southlake, TX 76092
jwolf@wolfawpc.com

s/ Robert J. King, Jr.
Robert J. King, Jr.